

APPROVED

TOWN OF WESTFORD

BOARD OF SELECTMEN

MINUTES

DATE: September 7, 2004

TIME: 7:30 P.M.

PLACE: J.V. Fletcher Library

PRESENT: Robert Jefferies, Dini Healy-Coffin, Christopher Romeo,
Allan Loiselle, James Silva

OTHERS

PRESENT: Steve Ledoux-Town Manager, Norman Khumalo-Assistant
Town Manager, Audience Members

Joint Boards Discussion on Perchlorate Water Issue

Sandy Collins, Board of Health, updated the Board on the results of the well testing relative to the perchlorate issue. Collins reported that 30-34 homes were contacted and that less than 10 homes have reported back to the Board of Health. Collins is awaiting the return of the test kits for the remaining homes. Currently, the only residential well to test positive for perchlorate is located at 1 Emily Way.

Romeo asked if the Water Department or Board of Health knew the source of the contamination. Elaine Major, Water Department, stated that it would be very expensive to determine the source of contamination due to the need for groundwater perimeter wells at the site. Major reported that DEP will have the protocol for dealing with the perchlorate problem. Major outlined the various systems DEP has for addressing perchlorate contamination. Major also outlined the blasting data provided by Maine Blasting and Drilling for the Tresca property. Major noted that the Cote well tested satisfactorily in March and April but in August tested positive for perchlorate. Major could not identify the source of the contamination.

Richard Barrett, Highway Superintendent, reported that the blasting for the new highway garage is 99.5% complete.

Romeo asked what the Town was prepared to do for the Winchester family at 1 Emily Way regarding their contaminated well.

It was moved by Romeo, seconded by Silva for discussion, to direct the immediate temporary installation of an above ground hook-up and meter, pending homeowner consent, of municipal water services to the residence of Kenneth Winchester pending the earliest of the following to occur: determination of an alternative solution to remediate alleged perchlorate contamination of the private well servicing this residence; or discontinuance of such hook-up and meter by November 1, 2004, or weather forecasts indicating temperatures expected to be below freezing.

Loiselle asked who would be paying for the water line to the Winchester home. Romeo suggested that the Water Department pay for the water line. Jefferies was concerned with setting a precedent with other potential contaminated wells when the source is unknown. Bob Carter, Water Commissioner, suggested that the Winchester family could be provided with water if they bring containers to the Water Department. Douglas Deschenes, Water Commissioner, stated that he fully supported Romeo's motion but noted that it becomes a question of who is to blame for the contamination. Deschenes felt that the costs should be borne by the taxpayers rather than the water takers. The group discussed supplying Winchester with alternative water sources and the cost of residential filtration systems.

Kenneth Winchester, 1 Emily Way, reported that his home has a geothermal well system which pumps approximately 10 gallons of water per minute. Winchester also reported that his water has a strong odor and silt. Winchester felt that no one from the Town or Maine Drilling and Blasting has talked to him about the contamination of his well. Collins reported that DEP is continuing to run additional tests on the Winchester well. Winchester stated that he complained to the Fire Department about his well when Tresca was blasting at the quarry. Richard Rochon, Fire Chief, reported that Winchester's complaint had been forwarded to the State Fire Marshall. Winchester stated that water was coming out of the electrical panel and also shooting 6 feet into the air.

Healy-Coffin assured Winchester that the Town was doing everything possible to work out a solution and asked him to keep in contact with the Town departments and boards. Healy-Coffin also asked that Winchester be provided with drinking water. Healy-Coffin suggested continuing the discussion after the other well tests are determined. Healy-Coffin stated that the Town needed to find who is responsible for the contamination as well as determining the cost to find the source.

Winchester stated that he would like to be hooked up to Town water eventually and noted that there is a water main stub approximately 600 feet from his house.

Jefferies stated that the contractor for the new highway garage did pre-blast surveys. Jefferies asked Barrett to request that contractor conduct a post-blast survey of the Winchester property. Jefferies also noted that if the contractor is responsible for the contamination, there is insurance money available to remediate problems. Jefferies recommended that Winchester talk to the Water Department regarding water hook-up. Jefferies was not in favor of aboveground piping of water. Loiselle asked the Water Commissioners to consider waiving the connection fee for Winchester.

Romeo amended his motion: that potable water be provided to Kenneth Winchester by the Water Department. Jefferies stated that the Water Department is a private entity and that the Board of Selectmen did not have the authority to tell them what to do.

VOTE ON ROMEO'S MOTION: 1 IN FAVOR (Romeo) and 4 OPPOSED (Jefferies, Healy-Coffin, Loiselle, Silva). The motion failed.

It was moved by Loiselle, seconded by Romeo for discussion, that the Town place a temporary ban on perchlorate blasting until we find out the implication to the water. Jefferies questioned whether the Board had the authority to ban blasting. Zac Cataldo, Board of Health, stated that the Board of Health has the authority to stop blasting. Chief Rochon strongly cautioned the Board of Health to have solid evidence to stop blasting because it can be challenged in court. **Loiselle withdrew his motion.**

Romeo read a portion of a letter from the Water Commissioners regarding notification to the public. The Water Commissioners' letter indicated that they would notify the Board of Selectmen and the Town Manager and that the Selectmen and Town Manager could handle the issue in any way that they feel is appropriate.

It was moved by Romeo, seconded by Silva for discussion, to direct the Westford Water Department and Commissioners to notify the public forthwith upon their findings, whether verified or not, of any questionable water quality results including but not limited to pollutants, hazardous substances or other contaminates.

Jefferies reiterated that the Selectmen have no authority to direct the Water Department or Commissioners. Loiselle felt that the perchlorate situation was rare and that the Water Commissioners followed DEP's notification guidelines. Cataldo asked that Romeo amend his motion to include the Board of Health to the notification list. Romeo agreed.

VOTE ON ROMEO'S MOTION: 3 IN FAVOR (Romeo, Healy-Coffin, Silva) and 2 OPPOSED (Jefferies, Loiselle). The motion passed 3 to 2.

Thomas stated that she would bring Romeo's motion back to the Water Commissioners.

Discussion regarding Stony Brook Lower West Fields with Board of Selectmen, Conservation Commission, Recreation Commission, Board of Water Commissioners, Permanent School Building Committee, Stony Brook Master Plan Committee

Jefferies reported that the Permanent School Building Committee (PSBC) would be meeting on Thursday, September 9, 2004 to discuss the lower fields.

Pat Savage, Director of Parks & Recreation, reported that she responded to Ken Morgan, Chairman of the PSBC with a memo after reviewing the report from Pine & Swallow. Savage stated that the solutions suggested by Pine & Swallow are based on timing and conditions. Savage stated that timing is critical for growing grass. Savage felt that Pine & Swallow did not address all of the options. Savage felt that a less costly solution would be to harrow the field, plant a cover crop and decide in the spring whether to plant sod or seed. Savage did not have a cost estimate for that solution. The group had a roundtable discussion regarding Savage's suggestion as well as other alternatives. Healy-Coffin recommended that the schools and recreation work out a solution.

It was moved by Loiselle, seconded by Silva for discussion, to go with Pat Savage's suggestion to plant a cover crop to salvage the field and determine the best course of action over the winter. Healy-Coffin asked to amend the motion: that the rest of the money gets turned over to the schools for the sole use of the fields at Stony Brook. VOTE ON LOISELLE'S MOTION: All in Favor. The motion passed unanimously.

Adjournment

It was moved by Romeo, seconded by Silva, and VOTED UNANIMOUSLY, to adjourn the meeting at 9:55 p.m.

Steve Ledoux, Town Manager

Robert Jefferies, Chairman

